

MESSAGE NO: 7062308 MESSAGE DATE: 03/03/2017

MESSAGE STATUS: Active CATEGORY: Countervailing
TYPE: LIQ-Liquidation PUBLIC ☒ NON-PUBLIC ☐
SUB-TYPE: COR-Correction

FR CITE: 82 FR 10457 FR CITE DATE: 02/13/2017

REFERENCE MESSAGE # 2163303, 6246309, 6299312,
(s): 7058306

CASE #(s): C-570-980

EFFECTIVE DATE: 02/13/2017 COURT CASE #: 16-00171; 15-00315

PERIOD OF REVIEW: 01/01/2015 TO 12/31/2015

PERIOD COVERED: TO

TO: { Directors Of Field Operations, Port Directors }

FROM: { Director AD/CVD & Revenue Policy & Programs }

RE: Correction of message 7058306, dated 02/27/2017 concerning the ALIs for the CVD order on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the PRC

1. This is a correction to message 7058306, dated 02/27/2017, to correct paragraph 5 of that message.
2. Paragraph 5 of message 7058306 is corrected to note that there is an injunction in place. Below is the fully corrected message.
3. Commerce does not automatically conduct administrative reviews of countervailing duty orders. Instead, reviews must be requested pursuant to section 751(a)(1) of the Tariff Act of 1930, as amended, and in accordance with 19 CFR 351.213.
4. In order to ensure that requisite countervailing duty entries with a country of origin (for Customs' purposes) other than the People's Republic of China can be properly reported as subject merchandise at the time of entry, Commerce designated third-country case numbers in the ACE case reference file for this countervailing duty order on crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China. For more information regarding third countries, see message 2163303, dated 06/11/2012. Commerce has not received a request for an administrative review of the countervailing duty order for the period and on the merchandise identified below except for the firms listed in paragraph 5. Therefore, in accordance with 19 CFR 351.212(c), you are to liquidate all entries for all firms except those listed in paragraph 5 and paragraph 6 and assess countervailing duties on merchandise entered, or withdrawn from warehouse, for consumption at the cash deposit or bonding rate in effect on the date of entry:

Product: Crystalline Silicon Photovoltaic Cells, Whether or Not Assembled Into Modules

Country: People's Republic of China

Case number: C-570-980

Period: 01/01/2015 through 12/31/2015

5. Entries of merchandise of the firms listed below should not be liquidated until specific instructions are issued. Continue to suspend liquidation of all entries of merchandise produced and/or exported by the listed firms entered, or withdrawn from warehouse, for consumption during the period 01/01/2015 through 12/31/2015:

Company: Wuxi Suntech Power Co., Ltd.

Case number: C-570-980-001

Company: Luoyang Suntech Power Co., Ltd.

Case number: C-570-980-002

Company: Changzhou Trina Solar Energy Co., Ltd.

Case number: C-570-980-007

Company: Trina Solar (Changzhou) Science & Technology Co., Ltd.

Case number: C-570-980-008

Company: Lightway Green New Energy Co., Ltd.

Case number: C-570-980-014

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Shanghai BYD Co., Ltd.

Case number: C-570-980-015

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Baoding Jiasheng Photovoltaic Technology Co., Ltd. (company aka Baoding
Jiansheng Photovoltaic Technology Co., Ltd.)

Case number: C-570-980-018

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Baoding Tianwei Yingli New Energy Resources Co., Ltd.

Case number: C-570-980-019

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Beijing Tianneng Yingli New Energy Resources Co., Ltd.

Case number: C-570-980-020

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Canadian Solar International, Ltd.

Case number: C-570-980-021

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Canadian Solar Manufacturing (Changshu), Inc.

Case number: C-570-980-022

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Canadian Solar Manufacturing (Luoyang), Inc.

Case number: C-570-980-023

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Chint Solar (Zhejiang) Co., Ltd.

Case number: C-570-980-025

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: ERA Solar Co., Ltd.

Case number: C-570-980-031

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: ET Solar Energy Limited

Case number: C-570-980-032

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Hainan Yingli New Energy Resources Co., Ltd.

Case number: C-570-980-033

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Hangzhou Zhejiang University Sunny Energy Science and Technology Co., Ltd.

Case number: C-570-980-034

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Hengdian Group DMEGC Magnetics Co., Ltd. (company aka Hendigan Group
Dmegc Magnetics)

Case number: C-570-980-035

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Hengshui Yingli New Energy Resources Co., Ltd.

Case number: C-570-980-036

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Jiawei Solarchina Co., Ltd.

Case number: C-570-980-043

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Jinko Solar Co., Ltd.

Case number: C-570-980-044

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Jinko Solar Import and Export Co., Ltd.

Case number: C-570-980-045

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Jinko Solar International Limited

Case number: C-570-980-046

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Lixian Yingli New Energy Resources Co., Ltd.

Case number: C-570-980-051

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Ningbo Qixin Solar Electrical Appliance Co., Ltd.

Case number: C-570-980-056

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Shenzhen Topray Solar Co., Ltd.

Case number: C-570-980-061

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Sumec Hardware & Tools Co. Ltd.

Case number: C-570-980-067

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Tianjin Yingli New Energy Resources Co., Ltd.

Case number: C-570-980-071

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Yingli Energy (China) Co., Ltd.

Case number: C-570-980-075

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Yingli Green Energy International Trading Company Limited

Case number: C-570-980-076

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: Zhejiang Sunflower Light Energy Science & Technology Limited Liability Company

Case number: C-570-980-082

Entries may also have been made under C-570-980-000 or other company-specific numbers

Company: JA Solar Technology Yangzhou Co., Ltd.

Case number: C-570-980-083

Entries may also have been made under C-570-980-000 or other company-specific numbers

No case numbers were in place for the companies listed below during the period of review. For the following companies, entries may have been made under C-570-980-000 or other company-specific numbers:

BYD (Shangluo) Industrial Co., Ltd.

Canadian Solar Inc.

Changzhou Trina Solar Yabang Energy Co., Ltd.

Dongguan Sunworth Solar Energy Co., Ltd.

ET Solar Industry Limited

Hangzhou Sunny Energy Science and Technology Co., Ltd.

Jiangsu High Hope Int'l Group

Jiawei Solarchina (Shenzhen) Co., Ltd.

JingAo Solar Co., Ltd.

Jinko Solar (U.S.) Inc.

Risen Energy Co., Ltd.

Shanghai JA Solar Technology Co., Ltd.

Shenzhen Glory Industries Co., Ltd.

Systemes Versilis, Inc.

Taizhou BD Trade Co., Ltd.

tenKsolar (Shanghai) Co., Ltd.

Toenergy Technology Hangzhou Co., Ltd.
Yancheng Trina Solar Energy Technology Co., Ltd.
Yingli Green Energy Holding Company Limited
Zhejiang Era Solar Technology Co., Ltd.
Zhejiang Jinko Solar Co., Ltd.

CBP officers must also examine entries under C-570-980-000 and all existing company-specific case numbers to ensure the continued suspension of liquidation of entries during the applicable period of review for the producers and/or exporters listed above.

Except for the firms listed above, for the period 01/01/2015 through 12/31/2015, liquidate all entries for all firms under the third-country case numbers listed below:

COUNTRY: CASE NUMBER:

ARGENTINA	C-357-989
AUSTRALIA	C-602-989
AUSTRIA	C-433-989
BELGIUM	C-423-989
CANADA	C-122-989
CROATIA	C-479-989
CZECH REPUBLIC	C-435-989
DENMARK	C-409-989
FRANCE	C-427-989
GERMANY	C-428-989
HONG KONG	C-582-989
HUNGARY	C-437-989
INDIA	C-533-989
ISRAEL	C-508-989
ITALY	C-475-989
JAPAN	C-588-989
KOREA	C-580-989
MALAYSIA	C-557-989
MEXICO	C-201-989
NETHERLANDS	C-421-989
NEW ZEALAND	C-614-989
NORWAY	C-403-989
PHILIPPINES	C-565-989
POLAND	C-455-989

PORTUGAL C-471-989
RUSSIA C-462-989
SINGAPORE C-559-989
SPAIN C-470-989
SWEDEN C-401-989
SWITZERLAND C-441-989
TAIWAN C-583-989
THAILAND C-549-989
TURKEY C-489-989
UNITED KINGDOM C-412-989
VIETNAM C-552-989

6. The injunction with court number 16-00171 in message number 6299312, dated 10/25/2016, instructed CBP to not require Sunpreme Inc. to pay cash deposits for its entries of solar modules containing bi-facial thin film cells made with amorphous silicon from the People's Republic of China that entered, or were withdrawn from warehouse, for consumption on or before 12/30/2015. Additionally, as a result of the stay of the court's order in court number 15-00315, CBP may continue to suspend Sunpreme Inc.'s entries of solar modules containing bi-facial thin film cells made with amorphous silicon from the People's Republic of China that entered, or were withdrawn from warehouse, for consumption on or before 12/30/2015. Furthermore, pursuant to message number 6246309, dated 09/02/2016, CBP should continue to suspend liquidation of entries of bifacial solar products imported by Sunpreme Inc. that entered or were withdrawn from warehouse for consumption on or after 12/30/2015.

7. Notice of the lifting of suspension of liquidation of entries of subject merchandise covered by paragraph 4 occurred with the publication of the notice of initiation of administrative review for the 12/2016 anniversary month (82 FR 10457, 02/13/2017). Unless instructed otherwise, for all other shipments of crystalline silicon photovoltaic cells, whether or not assembled into modules, from the People's Republic of China you shall continue to collect cash deposits of estimated countervailing duties for the merchandise at the current rates.

8. The assessment of countervailing duties by CBP on shipments or entries of this merchandise is subject to the provisions of section 778 of the Tariff Act of 1930, as amended. Section 778 requires that CBP pay interest on overpayments or assess interest on underpayments of the required amounts deposited as estimated countervailing duties. The interest provisions are not applicable to cash or bonds posted as estimated countervailing duties before the date of publication of the countervailing duty order. Interest shall be calculated from the date payment of estimated countervailing duties is required through the date of liquidation. The rate at which such

interest is payable is the rate in effect under section 6621 of the Internal Revenue Code of 1954 for such period.

9. If there are any questions by the importing public regarding this message, please contact the Call Center for the Office of AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce at (202) 482-0984. CBP ports should submit their inquiries through authorized CBP channels only. (This message was generated by OVII:GHC.)

10. There are no restrictions on the release of this information.

Alexander Amdur

Company Details

*Party Indicator Value:

I = Importer, M = Manufacturer, E = Exporter, S = Sold To Party